

SEALED**UNITED STATES DISTRICT COURT**

for the

Southern District of Indiana

United States of America)

v.)

Larry Nash-Aleman)

Case No.)

1:20-mj-0613)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 24, 2020 in the county of Marion in the
Southern District of Indiana, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(1)

Offense Description

Unlawful Possession of Firearm by Convicted Felon

This criminal complaint is based on these facts:

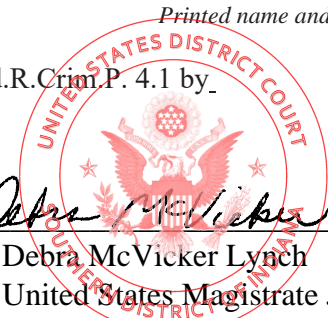
☒ Continued on the attached sheet.


s/ David B. McDaniel

Complainant's signature

David B. McDaniel, Task Force Officer, ATF

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by

telephone (reliable electronic means)Date: 7/24/2020City and state: Indianapolis, IN




 Debra McVicker Lynch
 United States Magistrate Judge
 Southern District of Indiana

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

1. Your Affiant, David McDaniel, is a Task Force Officer (TFO) with the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a component of the United States Department of Justice, and has served in that capacity since 2008. Your Affiant is currently assigned to the Indianapolis Group I Field Office – Achilles Task Force and is charged with investigating violations of federal firearms, explosives, and arson laws, as well as offenses enumerated in Titles 18 and 26 of the United States Code. Your Affiant is a Detective for the Indianapolis Metropolitan Police Department (IMPD) and has been employed with IMPD since November 1995.

2. As a law enforcement officer, your Affiant has participated in investigations involving homicides, aggravated batteries, serious violent felons, firearms, drug trafficking, robberies, and financial crimes, among other matters. Your Affiant has also testified in judicial proceedings and prosecutions for violations of comparable state law. Your Affiant received his initial training at the Indianapolis Metropolitan Police Department Academy in 1995. Your Affiant has satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4-5. Your Affiant has completed Basic Detective School through the Indianapolis Police Department and has attended various narcotics trainings both locally and through the United States Department of Justice. Your Affiant has received Quarterly Firearms Training (held in Indianapolis) and yearly in-service training (held in Indianapolis).

3. This affidavit is submitted in support of a criminal complaint charging Larry NASH-ALEMAN (date of birth XX/XX/1983) with Unlawful Possession of a Firearm by a Convicted Felon in violation of Title 18, United States Code, Section 922(g)(1). The following information

is either personally known to your Affiant or told to your Affiant by other law enforcement officers.

4. On June 24, 2020 Officer Brian Linares of the Indianapolis Metropolitan Police Department (IMPD), in full police uniform and fully marked police car, was dispatched to the area of 428 South Rural Street, Indianapolis, Indiana, to a report of a person sleeping in a blue Toyota for the past five hours.

5. Officer Linares arrived at the location and found a male sleeping inside a vehicle in front of the 413 South Rural Street. As Officer Linares approached the passenger side of the vehicle, he could smell a strong odor of marijuana. Also, Officer Linares observed that the vehicle's engine was running. As Officer Linares attempted to make contact with the occupant, he observed in plain view a black handgun holstered on the driver's right pocket area. Additionally, Officer Linares could see in plain view a digital scale on the center console.

6. Officer Linares and assisting Officers were able to wake the driver and requested that he step out of the vehicle. The driver complied, and was identified as NASH-ALEMAN. He was detained and the handgun removed from his person. The handgun was identified as a Ruger, 22LR caliber, semi-automatic handgun bearing serial # 36692506, and was loaded with 8 live rounds of ammunition. Officers researched NASH-ALEMAN and learned he was a convicted felon and did not have a valid handgun permit.

7. Officers learned that the vehicle, which upon further investigation was determined to be a dark gray Infiniti, had been reported stolen in Beech Grove, Indiana on 06/10/2020. Officers performed a search of the car and located a small baggie of suspected methamphetamine next to the center gear shift console area along with a digital scale.

8. IMPD Officer Alex Craft placed NASH-ALEMAN in the back of seat his patrol car to conduct an audio recorded interview. Officer Craft read NASH-ALEMAN his *Miranda* warning from a department issued *Miranda* card. NASH-ALEMAN affirmed he understood his rights. During questioning by Officer Craft, NASH-ALEMAN stated he was not aware the car in which he was found asleep had been reported stolen. NASH-ALEMAN said that he got the vehicle from a mechanic, whose name he did not know, whom he met through a friend. When asked if he knew where the handgun was found in the vehicle, NASH-ALEMAN stated the handgun was found on his person in a holster. When asked if he knew what kind of gun it is, NASH-ALEMAN stated, “yeah it’s a Ruger 22”. NASH-ALEMAN stated he has been shot eight times and carries the gun for protection. NASH-ALEMAN further stated he was carrying the handgun holstered in his right pocket. When asked if there was anything else in the vehicle, NASH-ALEMAN replied that officers would probably find meth, “...like \$10 worth”. NASH-ALEMAN stated officers would also find a scale inside the vehicle.

9. The suspected narcotics, two scales, and handgun were placed in the IMPD property room and held as evidence.

10. NASH-ALEMAN has sustained felony convictions for crimes punishable by more than one (1) year of imprisonment, including:

- a. Domestic Battery, D-felony in Marion County, Indiana, on or about December 03, 2013 under cause number 49G17-1309-FD-062537;
- b. Strangulation, D-felony in Marion County, Indiana, on or about June 18, 2010 under cause number 49G16-1004-FD-028296;
- c. Robbery, C-felony in Marion County, Indiana, on or about September 13, 2006 under cause number 49G04-0606-FC-107709;
- d. Burglary, B-felony in Marion County, Indiana, on or about September 13, 2006 under cause number 49G14-0603-FB-060383;

11. Your Affiant researched these felony convictions and confirmed that NASH-ALEMAN was present for sentencing and personally aware of each conviction.

12. Finally, your Affiant contacted ATF SA Brian Clancy, a firearms Interstate Nexus Expert for ATF, regarding the Ruger recovered in this investigation. Based on SA Clancy's experience, training and research, SA Clancy stated that the Ruger, 22LR caliber, semi-automatic handgun bearing serial # 36692506 is a firearm as defined in Title 18 U.S.C., Section 921(a)(3) and that the firearm was not manufactured in the state of Indiana. Therefore the firearm, at some point in time, must have traveled in interstate or foreign commerce.


CONCLUSION

13. Based on the facts set forth in this affidavit, your Affiant submits that probable cause exists that on June 24, 2020, in the Southern District of Indiana, Larry NASH-ALEMAN, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, said firearm having been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1). I respectfully request this Court issue a Criminal Complaint charging NASH-ALEMAN accordingly, along with a warrant for his arrest.

s/ David B. McDaniel
David B. McDaniel, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1, specifically by telephone.

7/24/2020


Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

